

**LYNCHBURG CITY COUNCIL**  
**Agenda Item Summary**

MEETING DATE: **November 9, 2004**

AGENDA ITEM NO.: 8

CONSENT:

REGULAR: **X**

CLOSED SESSION:  
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Conditional Use Permit – 100 Mountain View Road, 1971 University Boulevard and Liberty Mountain Drive.**

RECOMMENDATION: Approval of the requested Conditional Use Permit amendment.

SUMMARY: City staff has recommended that condition number fifteen (15) of the December 16, 2003 Conditional Use Permit for Jerry Falwell Ministries be revised to allow an additional access point to the property located at 100 Mountain View Road. The Planning Commission recommended approval of the CUP amendment because:

- The petitions agree with the *Comprehensive Plan* which recommends an “Institutional” use for the subject property.
- Allowing the additional access point would create improved traffic circulation on the property.

PRIOR ACTION(S):

October 13, 2004: Planning Division recommended approval of the CUP amendment.  
Planning Commission recommended approval 5-0 (with 2 members absent) of amending condition number fifteen (15) of the December 16, 2003 CUP as follows:

15. One additional access to the property will be allowed as shown on the site plan entitled “Thomas Road Baptist Church” as prepared by Perkins and Orrison Engineers and dated October 15, 2004. No further access points shall be added to the property at 100 Mountain View Road.

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn / 455-3902

Tom Martin / 455-3909

ATTACHMENT(S):

- Resolution
- PC Report
- PC minutes
- Vicinity Zoning Pattern
- Vicinity Land Use
- Site plan

REVIEWED BY: lkp

## RESOLUTION

A RESOLUTION AMENDING A CONDITIONAL USE PERMIT ON THE PETITION OF THE CITY OF LYNCHBURG REGARDING PROPERTY AT 100 MOUNTAIN VIEW ROAD, 1971 UNIVERSITY BOULEVARD AND LIBERTY MOUNTAIN DRIVE, SUBJECT TO CERTAIN CONDITIONS.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG That the petition of the City of Lynchburg to amend a Conditional Use Permit granted to Liberty University, Inc. GDC, CG1, LLC, (Hobby Lobby) Bostic Development at Lynchburg, LLC and Thomas Road Baptist Church approved on December 16, 2003, be and the same is hereby approved as follows:

15. One additional access to the property will be allowed as shown on the site plan entitled "Thomas Road Baptist Church" as prepared by Perkins and Orrison Engineers and dated October 15, 2004. No further access points shall be added to the property at 100 Mountain View Road.

Adopted:

Certified:

\_\_\_\_\_  
Clerk of Council

156L

The Department of Community Planning & Development  
City Hall, Lynchburg, VA 24504 434-455-3900

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**To:** Planning Commission

**From:** Planning Division

**Date:** October 13, 2004

**Re:** **CONDITIONAL USE PERMIT (CUP): 100 Mountain View Road, 1971 University Boulevard and Liberty Mountain Drive.**

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**I. PETITIONER**

The City of Lynchburg, P. O. Box 60, Lynchburg, VA 24504.

**Representative:** Mr. Tom Martin, AICP, City Planner, Planning Division, P. O. Box 60, Lynchburg, VA 24504.

**II. LOCATION**

The subject property is a tract of about 364 acres located at 100 Mountain View Road, 1971 University Boulevard, and Liberty Mountain Drive.

**Property Owners:**

Liberty University, Inc., 1971 University Boulevard, Lynchburg, VA 24502

GDT, CG1, LLC, (Hobby Lobby), 7707 SW 44<sup>th</sup> Street, Oklahoma City, OK 73179

Bostic Development at Lynchburg, LLC, 235 N Edgeworth Street, Greensboro, NC 27401

Thomas Road Baptist Church, 1971 University Boulevard, Lynchburg, VA 24502

**III. PURPOSE**

The purpose of this petition is to amend the condition of the Conditional Use Permit approved on December 16, 2003 that is related to vehicular access points to the property located at 100 Mountain View Road.

**IV. SUMMARY**

- Petition agrees with the *Comprehensive Plan 2002 – 2020* which recommends “Institutional” and “Regional Commercial Uses” for the subject properties.
- Petition agrees with the Zoning Ordinance in that churches are permitted uses in commercial districts.
- Petition agrees with the Zoning Ordinance in that universities and schools with over one hundred (100) students are permitted in commercial districts upon approval of a Conditional Use Permit by the City Council.

**The Planning Division recommends approval of the CUP petition.**

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**V. FINDINGS OF FACT**

1. **Comprehensive Plan.** The *Comprehensive Plan 2002 – 2020* recommends “Institutional” and “Regional Commercial” uses for the subject properties. The *Comprehensive Plan* states that “the City places a high value on educational resources and will continue to support their presence within the City and work with them in coordinating City Planning with campus master planning and facilities development”. **(pg 11.8)** The properties included in this petition are planned to be used or are being used for a mixture of university, church and K-12 uses.
2. **Zoning.** The subject property was annexed into the City in 1976. The existing B-5, General Business District, and B-3, Community Business District Zoning was established on December 16, 2003.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the use as proposed.
4. **Surrounding Area.** The following items have required City Council approval in the area:
  - December 12, 1978, the City Council adopted the “Official Zoning Map”. With this adoption, 142 acres of the Liberty University Main Campus was rezoned from M, Manufacturing to B-5, General Business District.
  - November 11, 1983, the City Council approved the petition of Old Time Gospel Hour to rezone 133 acres on Liberty Mountain Drive from R-C, Conservation District to R-4, Multi-Family Residential District

(Conditional) to allow the construction of four (4), four hundred (400) unit apartment buildings and a two hundred fifty (250) bed health care facility.

- October 14, 1986, the City Council approved the petition of Thomas L. Phillips to rezone 29 acres in the 3400 Block of Candler's Mountain Road from I-2, Light Industrial District, I-3, Heavy Industrial District, B-5, General Business District (Conditional), B-3, Community Business District (Conditional) and R-4, Multi-Family Residential District (Conditional) to B-5, General Business District (Conditional), B-3, Community Business District (Conditional) and R-4, Multi-Family Residential District (Conditional) to allow the construction of townhouses and retail.
- March 10, 1987, the City Council approved the petition of Old Time Gospel Hour to rezone 16 acres at 3777 Candler's Mountain Road from R-4, Multi-Family Residential District (Conditional) to B-3, Community Business District (Conditional) to allow the construction of a radio and television studio.
- April 12, 1988, the City Council approved the rezoning petition of Old Time Gospel Hour for the remaining 30 acres of the Liberty University Main Campus from I-2, Light Industrial District to B-5, General Business District (Conditional) to allow the construction of dormitories and the expansion of other university related uses.
- November 8, 1988, the City Council approved the rezoning petition of Old Time Gospel Hour / Village Management, Inc., to rezone 134.2 acres at 3765 Candler's Mountain Road from R-4, Multi-Family Residential District (Conditional) to B-3, Community Business District (Conditional) to allow the construction of a retirement community.
- March 14, 1989, the City Council approved the CUP petition of Old Time Gospel Hour / Liberty University for the construction of a 12,000 seat football stadium and a 9,000 seat basketball arena (the Vine Center) on the Liberty University Main Campus.
- July 11, 1989, the City Council approved the petition of N.W. Development to rezone 30.5 acres in the 3600 Block of Candler's Mountain Road from I-2, Light Industrial District, B-5, General Business District (Conditional) and R-4, Multi-Family Residential District (Conditional) to B-3, Community Business District (Conditional) to allow the construction of Candler's Station shopping center.
- November 14, 1989, the City Council approved the petition of N.W. Development to rezone 2.6 acres in the 3600 Block of Candler's Mountain Road from I-2, Light Industrial District to B-3, Community Business District (Conditional) to allow retail sales as part of Candler's Station.
- An extension regarding the time period for construction of a new primary access to the Liberty University Main Campus was granted on September 11, 1990. The City Council approved an amendment to the March 14, 1989 CUP petition of Old Time Gospel Hour / Liberty University.
- October 9, 1990, the City Council approved the petition of Candler's Station Limited Partnership to rezone 2.54 acres in the 3600 Block of Candler's Mountain Road from I-3, Heavy Industrial District to B-3, Community Business District (Conditional) and B-5, General Business District (Conditional) to allow retail sales as part of Candler's Station.
- An extension for completion of the "eastbound" access ramp onto U.S. Route 460 from the Liberty University Main Campus was granted on September 10, 1991. The City Council approved an amendment to the September 11, 1990 CUP petition of Old Time Gospel Hour / Liberty University to allow this extension.
- An extension for completion of the "eastbound" access ramp onto U.S. Route 460 from the Liberty University Main Campus was granted on March 24, 1992. The City Council approved an amendment to the September 10, 1991 CUP petition of Old Time Gospel Hour / Liberty University to allow this extension.
- An extension for completion of the "eastbound" access ramp onto U.S. Route 460 and "westbound" access ramps onto U.S. Route 460 from the Liberty University Main Campus were approved on July 14, 1992. The City Council approved an amendment to the March 24, 1992 CUP petition of Old Time Gospel Hour / Liberty University to establish the new deadlines.

- September 13, 1994, the City Council approved the petition of Candler's Mountain Development Company to rezone 400 acres on Candler's Mountain Road (East of U.S. Route 460) from R-C, Conservation District to R-2, Single-Family Residential District (Conditional) to allow the construction of a Planned Unit Development (PUD) and a Cluster Commercial Development (CCD).
- An extension for the construction of the required access ramps was granted on September 27, 1994. The City Council approved an amendment to the July 14, 1992 CUP petition of Old Time Gospel Hour / Liberty University to further extend the time period.
- September 9, 1997, the City Council approved the petition of the Inn Group to rezone 4.3 acres at 1910 University Boulevard from R-C, Conservation District and I-2, Light Industrial District to B-3, Community Business District (Conditional) to allow the construction of a hotel (Extended Stay).
- April 14, 1998, the City Council approved the CUP petition of Liberty University at 1971 University Boulevard to allow the construction of four (4) new dormitories, a visitor's center, additions to the DeMoss building and associated parking areas.
- November 13, 2001, the City Council approved the CUP petition of Liberty University at 1971 University Boulevard to allow the construction of a student center and associated parking.
- October 14, 2003, the City Council approved the CUP petition of Liberty University, TRBC and GDT, CG1, LLC at 100 Mountain View Road to allow a community recreation facility.
- December 16, 2003, the City Council approved the rezoning petition of Jerry Falwell Ministries at 100 Mountain View Road and Liberty Mountain Drive from I-2, Light Industrial District, B-5, General Business District, B-5, General Business District (Conditional) and B-3, Community Business District (Conditional) to B-5, General Business District (Conditional) to allow church, university and K-12 uses.
- December 16, 2003, the City Council approved the CUP petition of Jerry Falwell Ministries at 100 Mountain View Road, 1971 University Boulevard and Liberty Mountain Drive to allow university and K-12 school uses.

5. **Site Description.** The subject property encompasses approximately 364 acres in the southwest corner of the City. The Liberty University Main Campus is located at 1971 University Boulevard. Campus East is located on Liberty Mountain Drive and is a mixture of open land, parking lots, and a two hundred sixty-seven (267) unit student housing complex. Campus North (the former Ericsson property) contains an 838,164 square foot building currently being used for recreation facilities, church offices and university uses. The property will contain K-12 school uses and a proposed church building.
6. **Proposed Use of Property.** The purpose of the CUP is to amend the condition Number fifteen (15) of the Conditional Use Permit approved on December 16, 2003 related to access points to the property at 100 Mountain View Road.
7. **Traffic and Parking.** The proposed amendment would allow additional access points to the property located at 100 Mountain View Road if they are deemed appropriate by the City's Traffic Engineer and City Planner. The current proposal would place an additional access point on Candler's Mountain Road south of the existing entrance and directly across from the entrance to "Toys R Us". While the proposal would allow for creating a more defined entrance to the proposed church, the City's Traffic Engineer still has some concerns related to the design and other needed improvements. These concerns will be addressed prior to any final design and site plan approvals.  
  
Preliminary estimates by the petitioner confirm that the required number of parking spaces will be available.
8. **Storm Water Management.** Not applicable.
9. **Impact.** The proposed amendment to the condition of the December 16, 2003 Conditional Use Permit would allow City staff more flexibility in approving site plans and necessary traffic improvements for the property.
10. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on August 31, 2004. Comments related to the petition have or will be addressed prior to final site plan approval.


11. **Conditions.** According to Section 35.1-15 (f) of the Zoning Ordinance, the Planning Commission or City Council may impose any conditions deemed necessary or appropriate in approving a CUP.
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## **VI. PLANNING DIVISION RECOMMENDED MOTION**

**Based on the preceding Findings of Fact, the Planning Commission recommends to the City Council approval of amending the condition number fifteen (15) of the December 16, 2003 Conditional Use Permit to state:**

- 15. No further access points shall be added to the property at 100 Mountain View Road unless they are deemed appropriate by the City Planner and City Traffic Engineer. Final design and layout of any future access points is subject to the approval of the City Traffic Engineer.**

This matter is respectfully offered for your consideration.



William T. Martin, AICP  
City Planner

pc: Mr. L. Kimball Payne, III, City Manager  
Mr. Walter C. Erwin, City Attorney  
Ms. Rachel O. Flynn, Director of Community Planning & Development  
Mr. Bruce A. McNabb, Director of Public Works  
Mr. R. Douglas Dejarnette, Fire Marshal  
Ms. Judith C. Wiegand, AICP, Senior Planner  
Mr. J. Lee Newland, Director of Engineering  
Mr. Gerry L. Harter, Traffic Engineer  
Mr. Robert Drane, Building Commissioner  
Mr. Arthur L. Tolley, Zoning Official  
Mr. Robert S. Fowler, Zoning Official  
Mr. Kent White, Environmental Planner  
Mr. Jerry Falwell Jr., Liberty University

## **VII. ATTACHMENTS**

- 1. Vicinity Zoning Pattern**  
(see attached map)
- 2. Vicinity Proposed Land Use**  
(see attached map)
- 3. Site Plan**  
(see attached site plans)

## MINUTES FROM THE OCTOBER 13 PLANNING COMMISSION MEETING

Consideration of City staff recommended amendments to the conditions of the Conditional Use Permit approved December 16, 2003 for Jerry Falwell Ministries at 100 Mountain View Road, 1971 University Boulevard and Liberty Mountain Drive.

Mr. Martin told the Commission that this was actually a staff recommended amendment to the December 16, 2003 Conditional Use Permit granted to Thomas Road Baptist Church (TRBC). He continued by explaining that Condition #15 ensured that there would be no new access points allowed to the property at 100 Mountain View Road, which was the former Ericsson property. He said TRBC had submitted site plans to construct a new sanctuary on the site, and added that part of that original plan showed a new access point exiting onto Candler's Mountain Road. He added that after discussions with the representatives of the Church's engineer, they came to the conclusion that if that new access could be aligned with the Toys R Us entrance, then it would create a more defined entrance into the property and create a better traffic pattern on the property. Mr. Martin said he and the City's Traffic Engineer agreed that this would be a better scenario for traffic circulation on the lot and would allow a little more leeway in the development of the property. He added that he and Mr. Harter proposed changing Condition 15 to allow City staff more flexibility to allow access points to that property. He read the wording for the proposed amendment:

"No further access points shall be added to the property at 100 Mountain View Road unless they are deemed appropriate by the City Planner and City Traffic Engineer. Final design and layout of any future access points is subject to the approval of the City Traffic Engineer."

Ms. Maggie Cossman, Perkins & Orrison, explained that she was the design engineer for the project. Ms. Cossman said the entrance would facilitate two things: drop-off and pick-up of students for Lynchburg Christian Academy (LCA), as well as help traffic enter and exit the property for church services.

Chair Dahlgren asked how this recommendation could be changed if the Commission did not agree with the wording of the proposed change. He clarified with Mr. Martin that the staff would be able to make these decisions without coming through the Planning Commission

Mr. Martin said this proposed amendment did not make any difference to TRBC and LCA. He added that the traffic situation would be a mess, in the City's opinion, on Sunday mornings and at times of pick up and drop off of students unless a more defined entrance was constructed. He said the City felt like it would be a better scenario, which could only be achieved if the Condition was amended. Mr. Martin explained that construction was moving very quickly, and added that the City felt that it would be a way to speed up the process. He said there were Traffic Engineers and Planners on staff, but if the Commission was not comfortable with the amendment that was fine, but the main purpose of the amendment was to get the alignment.

Mr. Falwell, Jr. agreed with Mr. Martin. He said the City deserved the credit with coming up with the better solution. He added that it was a minor request in deciding how many access points there would be at that site. Mr. Falwell said he did not anticipate that there would be a request for any additional access points. Either way, he concluded, it would be OK with TRBC.

Commissioner Bacon asked where the traffic lights were in relation to the two entrances.

Ms. Cossman said the traffic light on Candler's Mountain Road was at the existing entrance to Candler's Station shopping center, and the proposed light would be at the Toys R Us secondary entrance.

Commissioner Worthington said he would rather change the amendment by deleting the words "...City Planner and City Traffic Engineer."

Commissioner Flint said he did not see why the Planning Commission would need to review a request for adding access points to the site. He said the City had professionals on staff that could make those decisions. He said he like the way amendment was written.

After discussion Commissioner Flint made the following motion, which failed due to lack of a second:

“That the Planning Commission recommends to the City Council approval of amending the condition number fifteen (15) of the December 16, 2003 Conditional Use Permit to state:

No further access points shall be added to the property at 100 Mountain View Road unless they are deemed appropriate by the City Planner and City Traffic Engineer. Final design and layout of any future access points is subject to the approval of the City Traffic Engineer.”

Commissioner Worthington made the following motion, which was seconded by Commissioner Bacon and passed by the following vote:

“That the Planning Commission recommends to the City Council approval of amending the condition number fifteen (15) of the December 16, 2003 Conditional Use Permit to state:

16. One additional access to the property will be allowed as shown on the site plan entitled “Thomas Road Baptist Church” as prepared by Perkins and Orrison Engineers and dated October 15, 2004. No further access points shall be added to the property at 100 Mountain View Road.”

AYES:	Bacon, Dahlgren, Echols, Flint, Worthington	5
NOES:		0
ABSTENTIONS:		0



# CONDITIONAL USE PERMIT AMENDMENT

#100 Mountain View Road, #1971 University Boulevard  
Conditional Use Permit # 354

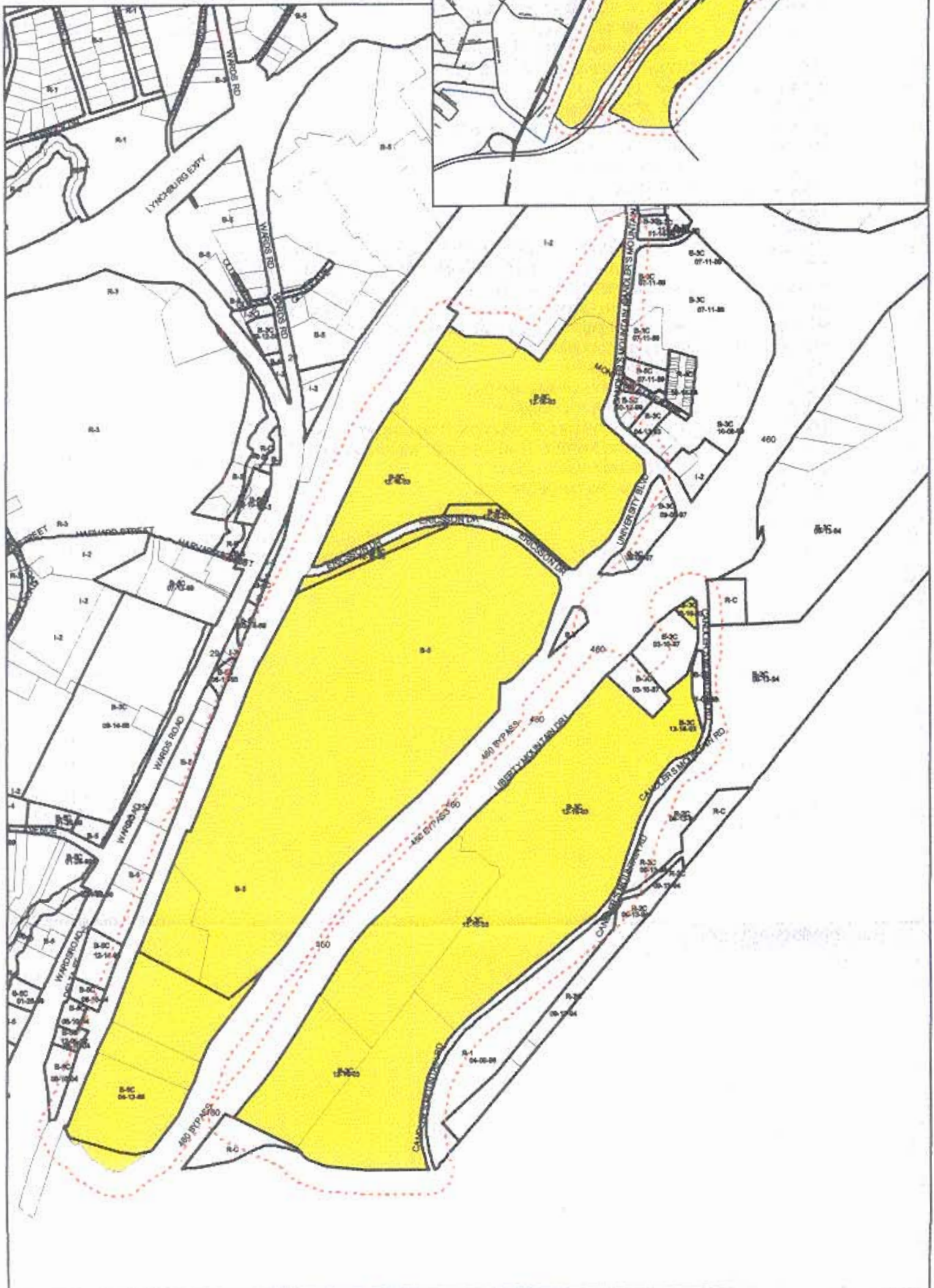
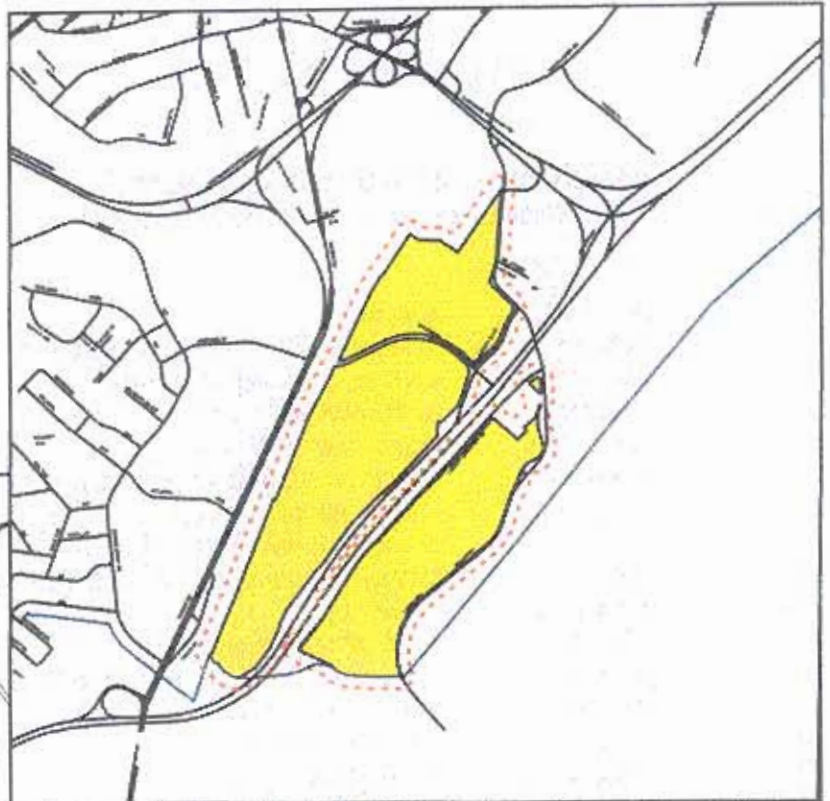
MAP PREPARED BY  
THE DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT



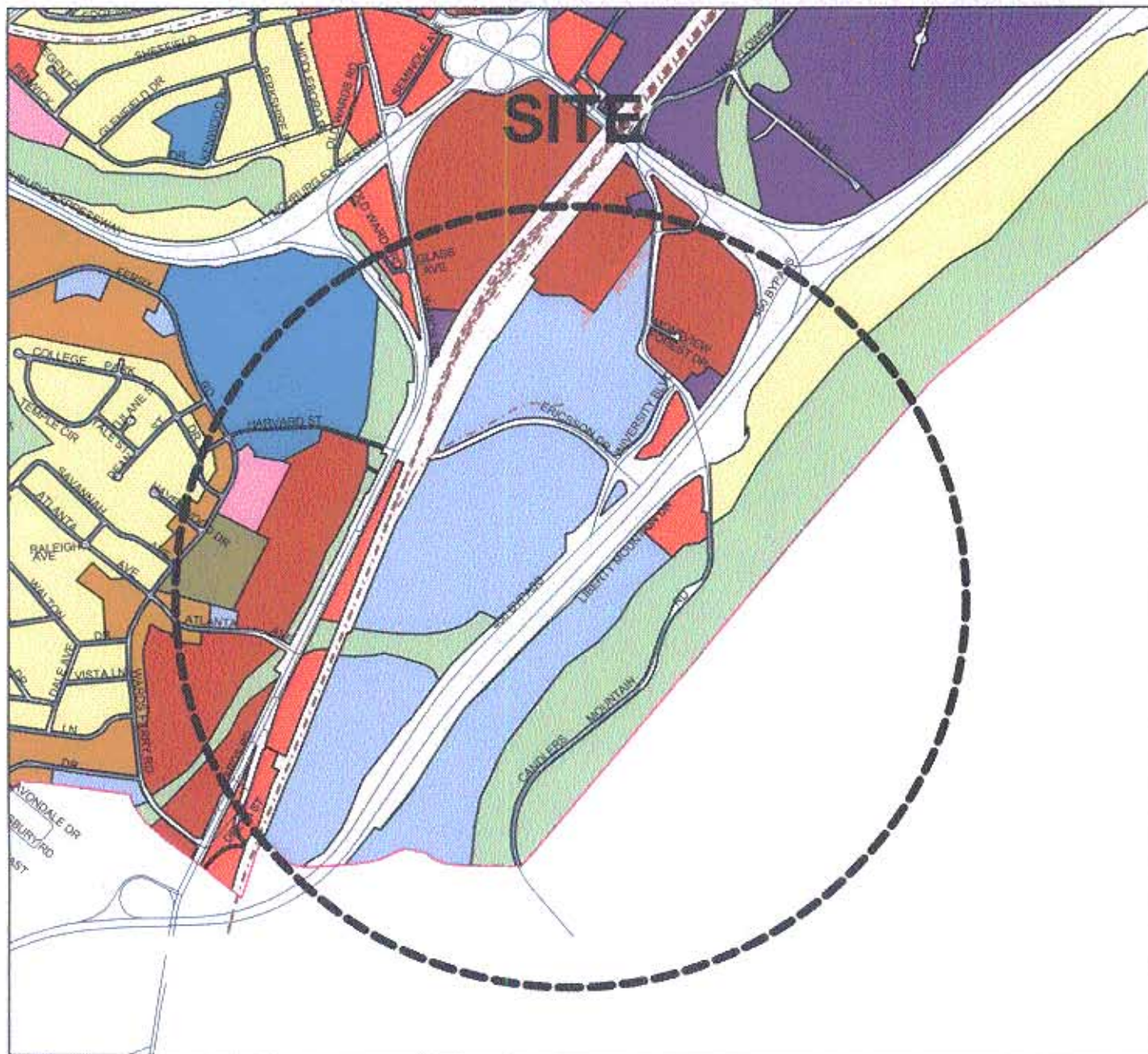
Subject Property



200 ft Radius







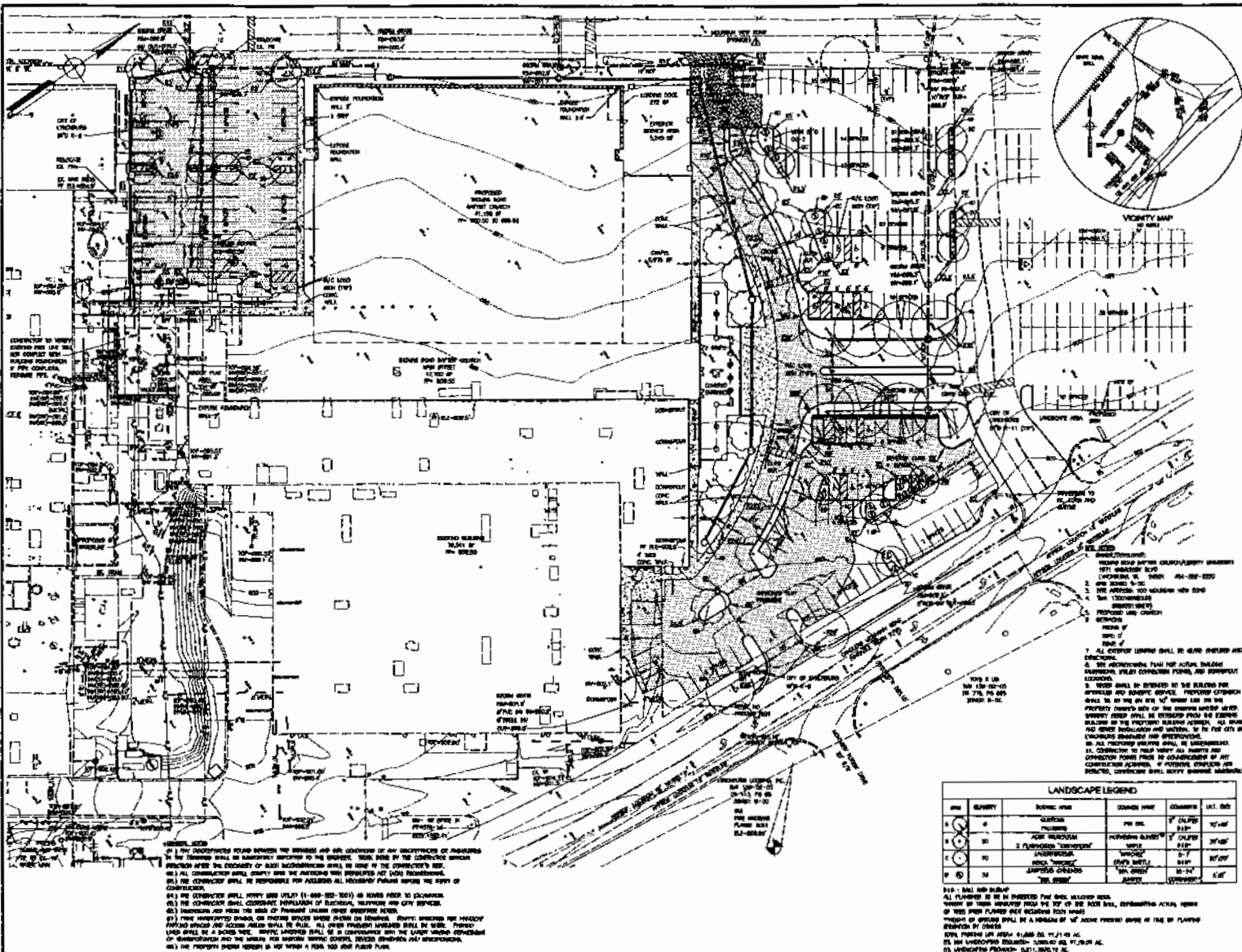
# CUP AMENDMENT

## 100 MOUNTAIN VIEW ROAD

## 1971 UNIVERSITY BLVD

## LAND USE PLAN





**CONSULTANTS**

**CLIENT:** KODAK CONSTRUCTORS

**JOB:** THOMAS ROAD BAPTIST CHURCH, LYNCHBURG, VIRGINIA

**DATE:** 10/15/04

**DESIGNED BY:** MHC

**DRAWN BY:** BSC

**CHECKED BY:** MHC

**SHEET TITLE:** SITE LAYOUT, UTILITY, AND LANDSCAPE PLAN

**SCALE:** 1" = 10'

**DATE:** 10/15/04

**BY:** MHC